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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3797 OF 2006

Sunil Maruti Lokhande .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.N.P.Deshpande for applicant

Ms.M.M.Deshmukh, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 20th October 2006

P.C.

. Heard Mr.Deshpande for applicant. The applicant has been arrested in C.R.No.115 of 2005 registered with Vadgaon Maval Police Station Pune

for offences punishable under section 302, 364, 210, 120B and 34 I.P.C.

2. Although, the applicant had applied for bail, after his application was rejected by the trial court, and this court directed that he should approach the trial court again, the trial court surprisingly has merely taken the application on file but has not passed any order thereon.

3. Mr.Deshpande does not want to pursue his grievance with regard to this approach of the trial court but invites my attention to the order below Exh.21 in Sessions Case No.228 of 2006 under which co-accused Ramdas Raut is released on bail on 14th September 2006.

4. I have perused the statement of Yashodabai, mother of deceased. The role attributed to the present applicant is of assisting Ramdas in allegedly killing the

deceased and in destruction of dead body.

5. Once the main accused Ramdas has been enlarged on bail, then, on ground of parity, applicant also deserves to be enlarged on bail. This fact is not seriously disputed by the learned A.P.P. Hence following order:-

i) The applicant arrested in connection with C.R.No.115 of 2005 registered with Vadgaon Maval Police Station shall be enlarged in the sum of Rs.25,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will remain present before the concerned investigating officer once a fortnight till conclusion of the trial.

iii) The order of bail will be given

effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of

bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)